

2005 **30th Space Wing**

This Briefing is UNCLASSIFIED

Powers of Attorney, Wills, and Other Documents



30 SW/JA



Overview



- **Powers of Attorney**
- **Wills**
- **AMD / Health Care Proxy / Living Will**
- **Springing Durable POA**
- **Summary**

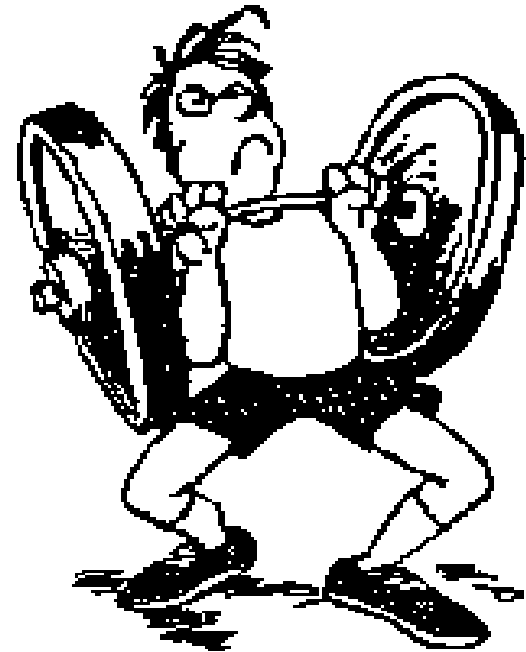




Power of Attorney (POA)



- **A written instrument that allows you (the “principal”) to authorize your agent (your “attorney-in-fact”) to conduct certain business on your behalf**
- **One of the strongest legal documents that you can give to another person**
- **Every act performed by your agent within the authority of the POA is legally binding upon you**
- **Give it only to someone you trust and only when absolutely necessary**





Power of Attorney



■ **General POA:**

- Gives your agent very broad powers to act on your behalf
- It is highly unlikely that you will ever need a general power of attorney

Note: An exception is a Springing Durable General POA (See Slide 13)

■ **Special POA:**

- Gives your agent limited authority to act on specific matters
- Examples:
 - Financial transactions
 - Real Property
 - Motor Vehicles



Wills - Definition & Terms



- **A will is a legal document used to dispose of your property (your “estate”) after your death**
- **May name people to do important jobs:**
 - **Administrator of your estate**
 - **Guardians for your children**
 - **Trustee for your children’s property / inheritance**
- **Maker is called Testator or Testatrix**





Benefits of a Well-Drafted Will

- **Names who will handle your estate (administrator, executor)**
- **Allows for you to name who will be the beneficiaries of your estate**
- **May simplify administration by reducing the time and**



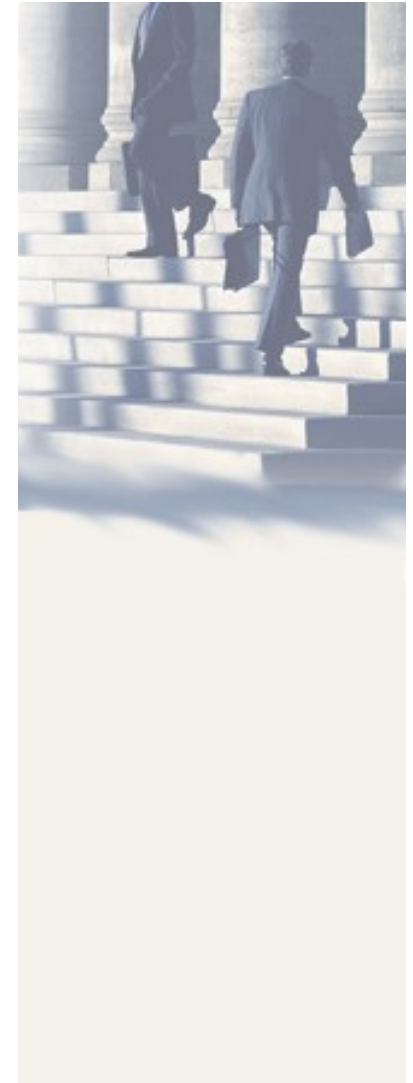


Wills - No Valid Will



- **State laws (intestacy statutes) where you were domiciled at your death will determine who should receive your property**

- **Intestacy Statutes:**
 - **Generally - your spouse and child(ren) inherit your property or estate**
 - **If you die without a surviving spouse or child(ren), under State law certain other blood relatives receive the estate**
 - **These laws also specify who will be in charge of the estate**
 - **Division becomes complicated and leaves little flexibility**



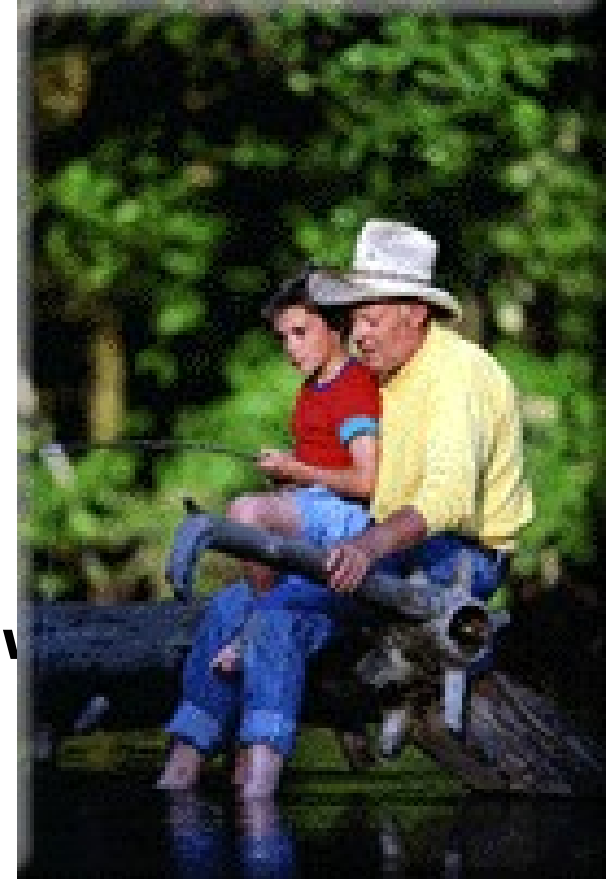


Wills - Changes



- **Reasons for making a new will:**
 - **Person changed his/her mind**
 - **Major purchase - real property**
 - **Grandchildren**
 - **Death**
 - **Divorce**
 - **Change of Domicile**

- **Prepare and execute a completely new**





Other Documents



- **Living Will / Advance Medical Directive (AMD) / Health Care Proxy**
- **Springing Durable General POA**





AMD/Health Care Proxy/Living Will



Advance Medical Directive / Health Care Proxy / Health Care POA

- **A document used to designate another person (your agent) to make health care decisions for you if you become incapacitated**
- **Discuss your wishes and beliefs concerning medical treatment with your doctor, family and agent**
- **Make copies of your AMD/Health Care Proxy for your agent, your doctor's files and if applicable your health care facility**

Living Will

- **An affirmative statement by you that if you are incapacitated and being kept alive indefinitely via artificial life support, you desire that life support be terminated**



AMD/Health Care Proxy/Living Will



Advantages

- **Difficult decisions about future care are made while you are competent, alert and not sick**
- **Your wishes are made clear**
- **Removes stressful decisions from loved ones**
- **Can reduce medical expenses**
- **States your desire regarding organ donation at your death**



AMD/Health Care Proxy/Living Will



Disadvantages

- **Effective in very narrow set of circumstances**
- **Decision may create disharmony**
- **Challenge validity of AMD in court**
- **Acceptance out-of-state may be a problem**



Springing Durable General ***POA***



- **General POA:**
 - Gives your agent very broad powers to act on your behalf
- **Springing:**
 - Springs into effect if you become incapacitated
- **Durable:**
 - Remains in effect upon your incapacitation





Contact Information



- **Legal Assistance Hours**
 - **0930-1030 Mon, Wed, and Fri**
 - **1530-1630 Tues and Thurs**

- **Phone: 605-6200**



- **Powers of Attorney**
- **Wills**
- **AMD / Health Care Proxy / Living Will**
- **Springing Durable POA**



